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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Magistrate Case No. '07 MJ 2552 DEPUTY
Plaintiff,	)	
v.	)	COMPLAINT FOR VIOLATION OF
Jose Juan LEON Villagomez	)	Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation (Felony)
Defendant.	)	

The undersigned complainant being duly sworn states:

On or about **October 29, 2007**, at the San Ysidro Port of Entry, within the Southern District of California, defendant **Jose Juan LEON Villagomez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Julio AREVALO-Zacarias, Aquilino Javier CORTES-Martinez and Higinia IBARRA-Cabanilla**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Mario Avila, U.S. Customs and Border Protection Enforcement Officer.

Sworn to before me and subscribed in my presence, this **30**th day **of October 2007**.

UNITED STATES MAGISTRATE JUDGE

UAH

PROBABLE CAUSE STATEMENT

The complainant states that **Julio AREVALO-Zacarias, Aquilino Javier CORTES-Martinez, and Higinia IBARRA-Cabanilla** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 29, 2007 at approximately 0725 hours, **Jose Juan LEON-Villagomez (Defendant)** made application for admission into the United States from Mexico at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a 1989 Ford Aerostar. A Customs and Border Protection Officer received a negative declaration from the defendant. Defendant presented his United States Passport (711245972) as his entry document. Defendant stated he was going to work. The U. S. Customs and Border Protection officer performed a cursory inspection of the vehicle and noticed a non-factory compartment on the undercarriage area of the vehicle. The CBP Officer called for assistance and placed Defendant in handcuffs. CBP Officers responded to the call and took custody of Defendant and escorted him to secondary. CBP Officers drove the vehicle to secondary for further inspection.

In secondary, a CBP Officer along with his Narcotics/Human Detection Dog (N/HDD) conducted a canine screening on the vehicle. The N/HDD alerted to the floor of the vehicle.

CBP Officers unscrewed a bolt that was holding down the access panel. CBP Officers lifted the access panel with force and upon opening the compartment area, three (3) individuals were found within. CBP Officers assisted the individuals from exiting the compartment.

Further investigation revealed the individuals were citizens and natives of Mexico with no entitlements to enter, pass through, or reside in the United States. They are now identified as Material Witnesses: **Julio AREVALO-Zacarias (MW1), Aquilino Javier CORTES-Martinez (MW2), and Higinia IBARRA-Cabanilla (MW3).**

During a videotape proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant denied any knowledge of the concealed aliens. Defendant stated an acquaintance of his loaned him the vehicle. Defendant stated he was on his way to apply for employment in Oceanside, Ca.

During a videotaped interview, MW1 declared to be a citizen of Mexico with no legal right to enter the United States. MW1 stated he was going to Los Angeles, California to seek employment. MW1 stated he was going to pay $3,500 USD to be smuggled into the United States. MW1 stated that he made the arrangements with unknown person to have him smuggled into the United States.

During a videotaped interview, MW2 declared to be a citizen of Mexico with no legal right to enter the United States. MW1 stated he was going to Oceanside, California to seek employment. MW2 stated he was going to pay $3,800 USD to be smuggled into the United States. MW2 stated that he made the arrangements with unknown male to have him smuggled into the United States.

During a videotaped interview, MW3 declared to be a citizen of Mexico with no legal right to enter the United States. MW3 stated she was going to San Diego, California to seek employment. MW3 stated she was going to pay $3,000 USD to be smuggled into the United States. MW3 stated that she made the arrangements with unknown person to have her smuggled into the United States.